

REMARKS

Reconsideration and allowance in view of the foregoing amendments and following remarks are respectfully requested.

Claims 1-12 and 18-22 are pending in the Application. Claims 13-17 have been canceled and new claim 22 has been added herein. Claims 13-17 and 19-21 have been withdrawn from consideration as being directed to a non-elected invention. Applicant reserves the right to pursue the inventions of claims 13-17 and 19-21 in a divisional Application.

Applicants note with appreciation the Examiner's indication that claim 12 would be allowable if rewritten in independent form including all limitations of its base claim and intervening claims. Since claim 12 recites "said substantially rigid plate" which is first introduced in claim 4, Applicants confirm the Examiner's assumption that there was a typographical error in claim 12 in that it should have depended from claim 4. Applicants have now rewritten claim 12 in independent form containing all the limitations of base claim 1 and intermediate claim 4. Therefore, Applicants respectfully submit that claim 12 is now in condition for allowance.

The Examiner rejected claims 1-6, 9-11 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Hay et al. (U.S. Patent No. 6,278,811). Applicants respectfully submit that the amendments to claim 1 obviate this rejection for at least the following reasons.

Hay et al. is directed to a pressure sensor, not a wavelength tunable optical filter for optical communication systems as originally recited in claim 1. Applicants have amended claim 1 to clarify that it is directed to a wavelength tunable optical filter for optical communication systems and not to a pressure sensor as in the prior art. The Hay et al. device is fundamentally different from the instant Application. This is clear by noting that the pressure sensor 10 has housing 18 that provides a pressure chamber 56 with a port 60. A fluid, gas or liquid, is introduced through the port 60 to exert a pressure to be measured upon the pressure detecting device 12.

In contrast, a wavelength tunable optical filter recited in claim 1 has a mechanical assembly in contact with the compliant support block. The mechanical assembly provides a selectable load to the compliant support block to select a reflection characteristic of the fiber Bragg grating, thus providing a wavelength tunable optical filter.

Hay et al. is not concerned at all about selecting a reflection characteristic of the fiber Bragg grating let alone using a mechanical assembly to select the reflection characteristic, as now recited in claim 1. To the contrary, Hay et al. discloses measuring the reflection of a broad band signal from a fiber Bragg grating in order to measure the pressure of a fluid in the pressure chamber 56. There is no suggestion anywhere in Hay et al. that one may select reflection characteristics of a fiber Bragg grating to provide a wavelength tunable optical filter for optical communication systems. Furthermore, there is no suggestion of providing a mechanical assembly in contact with a compliant support block to provide a wavelength tunable optical filter. Therefore, Applicants respectfully submit that claims 1-6 and 9-11, are in condition for allowance and request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Claim 18 is directed to a wavelength division multiplexed optical communication system and recites the tunable optical filter recited in claim 1. Therefore, for at least the reasons specified above in regard to claim 1, Applicants respectfully submit that claim 18 is in condition for allowance and request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

The Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Hay et al. in view of Bittleston (U.S. Patent No. 5,745,436). In particular, the Examiner cited Bittleston in regard to disclosing glass microspheres. However, Bittleston does not make up for at least the above-noted deficiencies in regard to claim 1. Therefore, Applicants respectfully submit that claims 7 and 8 are patentable over all references of record and request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Applicants added new claim 22 directed to an optical add-drop multiplexer that has a wavelength tunable optical filter according to the current invention. New claim 22 is fully supported by the original disclosure. For example, see Figure 5 and related discussion in the specification.

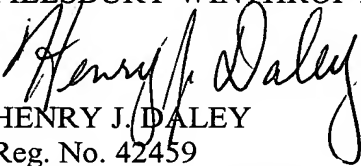
Applicants have addressed all of the Examiner's objections and rejections and respectfully submit that the Application is now in condition for allowance. Applicants' representative encourages the Examiner to contact him at the below noted telephone number if it may help advance the prosecution of this case.

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Respectfully submitted,

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